

2853

**GIFFORD, KRASS, GROH, SPRINKLE,  
ANDERSON & CITKOWSKI, P.C.  
101 North Main St., Suite 800  
Ann Arbor, Michigan 48104-1476**

**(734) 913-9300  
FACSIMILE (734) 913-6007  
jposa@patlaw.com  
dwathen@patlaw.com**

**FACSIMILE TRANSMISSION**

**DATE:** September 19, 2002

**FAX COPY RECEIVED**

**TO:** EXAMINER LEONARD LIANG

SEP 19 2002

**FACSIMILE NO.:** 703/308-7724

TECHNOLOGY CENTER 2800

**FROM:** John G. Posa

**PAGES TRANSMITTED (INCLUDING COVER SHEET):** 6

**ORIGINAL DOCUMENTS WILL \_\_\_ WILL NOT X FOLLOW BY MAIL**

**RE:** SN 09/900,787

**MESSAGE:**

Information contained in this facsimile may be PRIVILEGED and CONFIDENTIAL. It is intended only for the use of the person or entity named above. If you are not the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication is neither intended nor permissible. If this facsimile has been received in error, please notify us immediately (call collect) and return the facsimile to us.

**CERTIFICATE OF TRANSMISSION BY FACSIMILE (37 CFR 1.8)**Applicant(s): **Levine**

Docket No.

**MLE-10502/29**

Serial No.

**09/900,787**

Filing Date

**July 6, 2001**

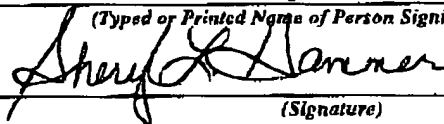
Examiner

**L. Liang**

Group Art Unit

**2853**Invention: **CHART RECORDER PROGRAMMING INTERFACE**

I hereby certify that this

**Response to Office Action***(Identify type of correspondence)*is being facsimile transmitted to the United States Patent and Trademark Office (Fax. No. **703/308-7724**)on **September 19, 2002***(Date)***Sheryl L. Hammer***(Typed or Printed Name of Person Signing Certificate)**(Signature)***FAX COPY RECEIVED****SEP 19 2002**

Note: Each paper must have its own certificate of mailing.

TECHNOLOGY CENTER 2800

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

#57 Response  
Amended  
9/24/02

In re application of: Levine

Serial No.: 09/900,787

Group No.: 2853

Filed: July 6, 2001

Examiner: Leonard Liang

For: CHART RECORDER PROGRAMMING INTERFACE

RESPONSE TO OFFICE ACTION

FAX COPY RECEIVED

Assistant Commissioner for Patents  
Washington, D.C. 20231

SEP 19 2002

TECHNOLOGY CENTER 2800

Dear Sir:

In response to the Office Action mailed June 19, 2002, the Examiner's attention is directed to the following remarks.

Applicant is resubmitting the claims of this application in unamended form for reconsideration in light of the following remarks.

Claims 1-8 and 11-14 stand rejected under 35 U.S.C. §102(b) over Levine (U.S. Patent No. 5,978,000 -- the same inventor). It is noted that although claims 1-8 and 11-14 were considered "anticipated" only the rejection of claims 1 and 11 are considered in any detail. Even so, the rejection of claims 1 and 11 are clearly improper.

Claim 1, a method claim, includes the steps of "providing a surface including options relating to the programming of the instrument." With respect to this limitation, the Examiner refers to Figure 1, reference numerals 102, 106 and 110, which are simply the chart itself with intersecting lines printed thereon. These have nothing to do with the programming of the instrument, but rather, something at the instrument, once programmed, overwrites. Anticipation is precluded for this reason alone.

Continuing, however, claim 1 further includes the limitation of "storing information relating to